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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,248	06/09/2005	Steven L Williamson	10555-103	3294

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EXAMINER
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DOAN, JENNIFER

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

11A

<b>Office Action Summary</b>	Application No. 10/538,248	Applicant(s) WILLIAMSON, STEVEN L	
	Examiner Jennifer Doan	Art Unit 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☒ Claim(s) 16-19 and 21 is/are rejected.
- 7) ☒ Claim(s) 20 and 22-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>122705</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 12/27/05, have all been considered and made of record (note the attached copy of form PTO-1449).

### ***Drawings***

2. The drawings, filed on 06/09/2005, are accepted.

### ***Specification***

3. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

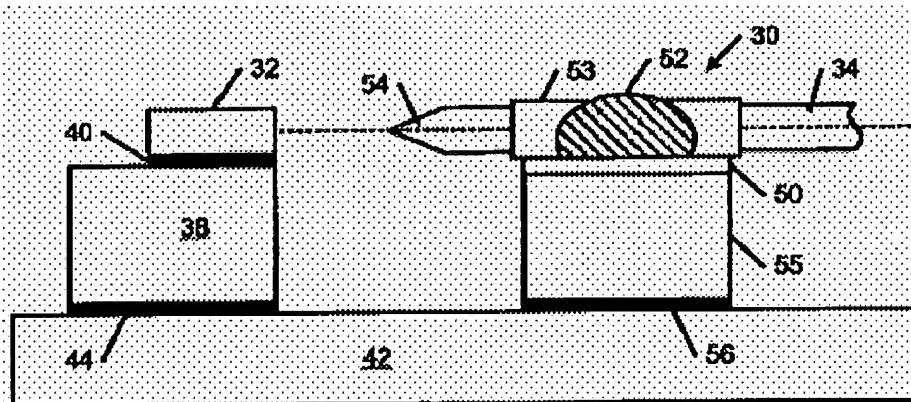
5. Claims 16, 17, 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ziari et al. (U.S. 2003/0108304).

With respect to claim 16, Ziari et al. (figure 2) disclose an optical fiber attachment comprising a hot pad (50); solder glass (52) positioned on the pad (50), the solder glass (52) attaching the fiber (34) to the hot pad (50).

With respect to claim 17, Ziari et al. (figure 2) disclose the optical fiber, wherein the hot pad (50) includes a substrate (55).

With respect to claim 19, Ziari et al. (figure 2) disclose the optical fiber, wherein heat is removed from one side of the substrate (55) to concentrate heat to the opposite side of the substrate (55), the solder glass (52) being positioned on the opposite side (see paragraph [0032]).

With respect to claim 21, Ziari et al. (figure 2) disclose the optical fiber, wherein the one side straddles a slot in a module floor to which the hot pad (50) is mounted (see figure 2).



**FIG. 2**

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ziari et al. (as cited above).

With respect to claim 18, Ziari et al. substantially disclose all the limitations of the claimed invention except the substrate is made of alumina. However, the substrate

Art Unit: 2874

being made of alumina is considered to be obvious. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the material as claimed to make the substrate of Ziari's device for the purpose of providing more protection for an optical device and it is also noted that it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

***Allowable Subject Matter***

8. Claims 20 and 22-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to disclose or reasonably suggest the optical fiber attachment, wherein the one side of the substrate is provided with an undercut to concentrate heat to the opposite side of the substrate as recited in claim 20; and further wherein the hot pad includes a resistive element positioned adjacent a surface of the substrate, a center pad positioned on a surface of the resistive element that is opposite of the surface of the resistive element adjacent to the substrate and a pair of side pads positioned on the same surface as the center pad and on either side of the center pad, the side pads being electrically connected through the resistive element and electrically isolated from the center pad as recited in claim 22.

9. Claims 1-15 are allowed.

The prior art fails to disclose or reasonably suggest a method for forming an attachment to an optical fiber comprising the steps of positioning solder glass preforms on the hot pad and melting the solder glass preforms into molten solder glass.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00 am to 3:30 pm, second Friday off.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2874

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, reading "Jennifer Doan".

**JENNIFER DOAN**  
**PRIMARY EXAMINER**

JD

April 17, 2006